

Remarks

The examiner requested restriction under 35 U.S.C. § 121 and 372, as shown below from the 03/30/2010 office action.

Group I, claim(s) 1-10 are, drawn to a method of treating skin or hair or underarm and various cosmetic products of claim 10 comprising applying to the hair or skin or underarm emulsion or micro emulsion composition containing an elastomeric silane or siloxane having quaternary ammonium groups in its molecule as the oil phase of the emulsion or micro emulsion, prepared by reacting (i) an organic quaternary ammonium compound having epoxide groups or halohydrin groups in its molecule, with (ii) a silane or siloxane having amino groups in its molecule, in the presence of (iii) a cross linking agent, and (iv) a surfactant, dispersed in (v) an aqueous polar phase.

Group II, claim(s) 11 and 20 are, drawn to a cellulosic substrate, synthetic non-woven substrate, wet cleansing wipe tissue or towel containing the emulsion or micro emulsion compositions.

Group III, claim(s) 12- 19 are, drawn to drawn to a method of treating skin or hair or underarm and various cosmetic products of claim 19 comprising applying to the hair or skin or underarm emulsion or micro emulsion composition containing an elastomeric silane or siloxane having nitrogen atoms, as the oil phase of the emulsion or micro emulsion, comprising the sequential steps of: (i) preparing a first mixture containing only silanes or siloxanes having amino groups in their molecule and a surfactant; (ii) preparing a second mixture by adding a first portion of an aqueous polar phase to the first mixture; (iii) preparing a third mixture by adding the balance of the aqueous polar phase to the second mixture; (iv) preparing a fourth mixture by adding a cross linking agent to the third mixture; and (v) heating the fourth mixture.

Applicant affirms provisional election of Group I, claims 1-10, for examination with traverse.

Applicant respectfully submits that the restriction is improper because examining all the claims would not constitute a serious burden by the USPTO. Applicant's corresponding PCT application, PCT/US2004/011535, was considered as having unity of invention by the PCT Search Authorities and all claims were examined accordingly. (see *The International Search Report and The Written Opinion of the International Searching Authority*, dated 28/10/2004).

Application No.: 10/552537

Date of Reply.: 4/27/2010

The present response is being submitted within the one-month shortened statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for any additional fees that should be necessary to maintain the pendency of the application.

Respectfully submitted,

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